

APPLICANT(S): SOLOMON, Amiad
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FILED: February 12, 2001
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 4-6 are pending in the application. Claims 4-6 have been rejected. Claim 4 has been amended.

Claims 1-3 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to claim 4 add no new matter.

The Telephone Interview

Initially, Applicants wish to thank the Examiner, Patel, Jagdish, for granting and attending the telephone interview, with Applicants' Representative, Vladimir Sherman, Reg. No. 43,116 on November 7, 2006. In the interview, claims 4-6 were discussed.

CLAIM REJECTIONS

35 U.S.C. § 101 Rejections

In the Office Action, the Examiner rejected claims 4-6 under 35 U.S.C. § 101.

In the Office Action the Examiner rejected claims 4-6 under 35 USC 101 because the claimed invention is directed to a non-statutory subject matter.

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The Examiner asserted that claim 4 does not produce a useful, concrete and tangible result because it does not produce a concrete result and therefore a useful result.

Applicants respectfully traverse the rejection. Amended claim 4 is now directed to a "A method **of facilitating a transaction** using a computer connected to a network to match buyers and sellers..." which produces a concrete and useful result.

The Examiner further asserted that "Claim 4 raises another issue of indefiniteness because the matching step is broadly interpreted as a manual process. Since the manually matching want ads is a subjective process involving human judgment, therefore, one cannot assure that the matching the want ads and the sell ads would yield the same result, i.e. the same buyer would be notified for a given want ads and sell ads."

The Examiner suggested the following: "On the other hand a computerized matching process based upon a set of predefined rules employed in a algorithm would yield same selection of a buyer when a given sets of want ads and sell ads retrieved from the sites searched."

Applicants therefore amended claim 4 to read:

"A method of facilitating a transaction using a computer connected to a network to match buyers and sellers, the method comprising:

having said computer search sites on said network for want ads from buyers, said want ads referring to a wanted good or wanted service;

having said computer search sites on said network for sell ads from sellers, said sell ads referring to an advertised good or advertised service;

having said computer match at least one want ad with at least one sell ad **based on programmed rules**; and

notifying the associated buyer who posted said want ad that at least one sell ad has been matched to said want ad." (Emphasis added)

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Support for this amendment can be found on:

Page 1 paragraph [0011]:

"The system comprises a hypertext transfer protocol (HTTP) server, a search engine, a matching unit, an alert module and a database." (Emphasis added)

Page 1 paragraph [0013]:

"The search engine makes use of the matching unit for determining which sell ads match which buyer requests (and/or want sell ads) and to what degree." (Emphasis added)

Page 2 paragraph [0016]:

"The matching unit will determine a match possibly by using a heuristic algorithm or by using an algorithm based on fuzzy logic or any other algorithm that will determine how close is the match. In other instances buyer requests or sell ads may originate in free text (spoken or written). In these cases sophisticated parsing (and recognition, for spoken text) will be required to transform them into specific format that will allow an intelligent comparison." (Emphasis added)

Accordingly, Applicants respectfully request that the rejection of claim 4 and claims 5-6, dependent from claim 4, under 35 USC 101 be withdrawn.

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 4-6 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 4 has been amended to overcome the antecedent basis deficiencies noted by the Examiner. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel.

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Specifically, the Examiner asserted that "Claim 4 recites limitation "without prior interaction of either a buyer or a seller" is vague and unclear because without some kind of prior interaction of the seller or the buyer, such as registering with the service provider ("the computer") whereby some form of contact information for notification is provided, the notification cannot be provided. Furthermore the term "without prior interaction of either a buyer or a seller", broadly interpreted precludes any action by the buyer or the seller such as posting ads and providing contact information. It is not conceivable that a buyer who placed advertisement can be notified without the buyer providing his contact information (such as e-mail address, postal address, phone number etc.), which is deemed prior interaction of the buyer. "

In response the Applicants amended claim 4 to exclude the words "without prior interaction of either a buyer or a seller" in claim 4 was deleted.

In addition, the Examiner asserted that "Claim 4 also recites limitation "matching at least one of said want ads with at least one of sell ads ". In this limitation, there is no antecedent basis for "said want ads" and "said sell ads" because the searching sites on the network cannot assure that one or more sell ads corresponding to the wanted good can be found. The result of the searching steps is that at least one want ad for a wanted good or service is found and at least one sell ad for a good or service is found. However, the claim fails to recite such a process step. Claim 4 recites, "notifying the associated buyer who placed said want ad" without specifying any process step that would specify or extract the contact information of the buyer. Like wise the associated seller cannot be notified without the seller's contact information."

In response the Applicants amended claim 4 to replace the terms "at least one of said want ads" and "at lease one of said sell ads" with "at least one want ad" and "at lease one sell ad", respectively.

Applicants respectfully assert that these amendments render claim 4 and claims 5-6, dependent from claim 4, proper under 35 USC 112 and request that the rejections be withdrawn.

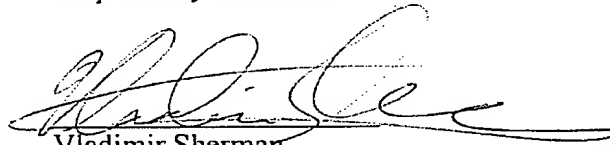
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In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3400.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'V. Sherman', written over a horizontal line.

Vladimir Sherman

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